



Nicyper, Dean

From: Nicyper, Dean
Sent: Tuesday, August 21, 2007 9:20 AM
To: 'Mollon, David'
Subject: RE: RETURNED PAINTING RE: Davis v. Salander O'Reilly Galleries, et ano



letter re painting
returned to...

David:

Please see attached letter regarding a painting that was returned to defendants last week.

Sincerely,
Dean R. Nicyper, Esq.
Flemming Zulack Williamson Zauderer LLP
One Liberty Plaza, 35th Floor
New York, New York 10006
Phone 212-412-9504
Fax 212-964-9200
Email dnicyper@fzwz.com
Web site www.fzwz.com

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure or distribution by persons or entities other than the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply and destroy all copies of the original message. Thank you. To reply, please call (212) 412-9500 and delete this e-mail. FLEMMING ZULACK WILLIAMSON ZAUDERER LLP <http://www.fzwz.com>

FLEMMING ZULACK WILLIAMSON ZAUDERER LLP

LAW OFFICES
ONE LIBERTY PLAZA
NEW YORK, NEW YORK
10006-1404
(212) 412-9500
FAX (212) 964-9200

August 21, 2007

BY FACSIMILE AND E-MAIL

Dean R. Nicypier

David E. Mollon, Esq.
Winston & Strawn LLP
200 Park Avenue
New York, New York 10166-4193

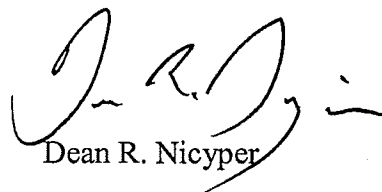
Re: Davis v. Salander O'Reilly Galleries LLC
07 Civ 4165 (SHS) (DF)

Dear David:

I received a call from one of the subpoenaed parties, Simon Parks Art Conservation, Inc. He informed me that he returned one of the Works at issue, *(East) Gloucester Harbor*, oil on canvas, 1919 (Davis #Y.12; Salander #5324) to defendants on August 15, 2007. Attached are receipts showing he received the Work from defendants on February 3, 2006, and that he returned it to defendants on August 15, 2007. I am assuming you were not aware of this.

Simon Parks further informed us that he was not contacted by defendants. He instead returned the painting once he received our subpoena. The defendants failure contact him, failure to disclose the return of this Work to them, and failure to return the Work to plaintiff is in violation of the Stipulation and Order that was so-ordered by the Court on July 9, 2007. We demand that this Work be delivered to our office immediately. If defendants dispose of this work, or already have disposed of this work, they not only will be further in contempt of the Court's Order, but we will seek sanctions in an amount equal to the value of this painting.

Very truly yours,


Dean R. Nicypier

WRITER'S DIRECT DIAL
(212) 412-9504
dnicyper@fzwz.com

DRN/ac
Encls.

Salander-O'Reilly Galleries, LLC

20 East 79 Street New York, NY 10021 Tel (212) 879-6606 Fax (212) 744-0655

February 3, 2006

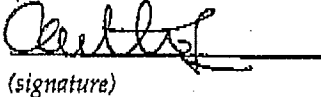
Released To:

Simon Parkes
502 East 74th Street
New York, NY 10021

Stuart Davis, (East) Gloucester-Harbor
c. 1919
oil on canvas
19 x 23 in
Reg # 5324

RELEASED BY:

CATLIN FITZGERALD
(print name)


(signature)

2/3/06
(date)

RECEIVED BY:

(print name)

(signature)

(date)

Please sign a copy and return to the gallery.
Thank you.

SALANDER-O'REILLY GALLERIES, LLC

22 EAST 71ST STREET, NEW YORK, NY 10021 • TEL (212) 879-6606 • FAX (212) 400-4490

August 15, 2007

Received from

Simon Parkes
502 E. 74th Street
New York, 10021

Stuart Davis, (East) Gloucester-Harbor
c. 1919
oil on canvas
19 x 23 in
Reg # 5324

RELEASED BY:

William THIBODEAU
(print name)

[Signature]
(signature)

8.15.07
(date)

RECEIVED BY:

E. Ciangrande
(print name)

[Signature]
(signature)

8/15/07
(date)

Please sign a copy and return to the gallery.
Thank you.